

House Criminal Justice Subcommittee Am. # 1

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 963**

**House Bill No. 1081\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 40-35-114, is amended by adding the following as a new subdivision:

( ) The defendant committed an offense under title 39, chapter 13, part 1, 2, 3, 4, or 5 while engaged in the performance of official duties as a law enforcement officer.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.



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Amendment No. \_\_\_\_\_

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Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 22\***

**House Bill No. 415**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 38, Chapter 1, is amended by adding the following as a new part:

38-1-801.

This part is known and may be cited as the "Sexual Assault Response Team Act."

38-1-802.

As used in this part:

(1) "Adult" means a person who is eighteen (18) years of age or older or otherwise emancipated;

(2) "Sexual assault" means a criminal offense under title 39, chapter 13, part 5, involving unlawful sexual penetration or unwanted sexual contact;

(3) "Sexual assault response team (SART)" means a multidisciplinary team convened to strengthen and improve the collaborative response and enhance the community response, safety, and judicial outcome for the sexual assault survivor;

(4) "Sexual contact" means the same as defined in § 39-13-501; and

(5) "Sexual penetration" means the same as defined in § 39-13-501.

38-1-803.

(a) By January 1, 2024, each local law enforcement agency must convene regular meetings on behalf of an adult sexual assault response team (SART) to assist in



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identifying gaps in service and improving response systems for sexual assault with adult victims that occur within the agency's jurisdiction. A team must include members who respond to and work with victims and have expertise in a variety of disciplines relevant to sexual assault response. A SART may include, but is not limited to:

- (1) Victim advocates;
- (2) Law enforcement;
- (3) Criminal prosecutors;
- (4) Healthcare services providers;
- (5) Mental health services providers; and
- (6) Representatives from local colleges.

(b)

(1) Except by court order or as provided in subdivision (b)(2), communications occurring at a SART meeting are confidential and not subject to title 10, chapter 7.

(2) This subsection (b) does not prevent the district attorney general and counsel for a defendant from providing to each other in a pending criminal case, where the constitutional rights of the defendant require it, information which otherwise would be held confidential under this subsection (b).

SECTION 2. This act takes effect upon becoming law, the public welfare requiring it.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

<b>FILED</b>
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

**AMEND Senate Bill No. 1059**

**House Bill No. 841\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-17-902(a), is amended by designating the current language as subdivision (a)(1) and adding the following new subdivision (a)(2):

(2) It is unlawful for a book publisher, distributor, or seller to knowingly sell or distribute obscene matter to a public school serving any of the grades kindergarten through twelve (K-12).

SECTION 2. Tennessee Code Annotated, Section 39-17-902(c), is amended by deleting "subsection (a)" wherever it appears and substituting "subdivision (a)(1)".

SECTION 3. Tennessee Code Annotated, Section 39-17-902(c), is amended by adding the following as a new subdivision:

(3) A violation of subdivision (a)(2) is a Class E felony, and, in addition, a violator shall be fined an amount not less than ten thousand dollars (\$10,000) nor more than one hundred thousand dollars (\$100,000).

SECTION 4. This act takes effect July 1, 2023, the public welfare requiring it.



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Amendment No. \_\_\_\_\_

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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 1205**

**House Bill No. 686\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 24, Chapter 1, Part 2, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Advocate" means an employee or volunteer of a domestic violence shelter, crisis line, or victim services provider who provides services for victims of domestic violence, sexual assault, stalking, or human trafficking and who has completed a minimum of twenty (20) hours of relevant training, including, but not limited to, training on the application of this section, from a victim services provider;

(2) "Victim" means a person seeking assistance because the person is a domestic abuse victim as defined by § 36-3-601; victim of an offense under title 39, chapter 13, part 5; trafficked person as defined by § 39-13-314; or a victim of stalking as defined by § 39-17-315, regardless of where or how the person seeks or receives services; and

(3) "Victim services provider" is an entity or organization providing direct services to victims, but does not include a law enforcement agency, the department of children's services, the department of human services, the division of adult protective services, or the office of a district attorney general.



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(b) An advocate shall not disclose any of the following in a judicial, legislative, or administrative proceeding, except as provided in this section or when a report of abuse is otherwise required by law:

- (1) A communication, including verbal, written, or otherwise stored information, received by the advocate from a victim;
- (2) Records regarding a victim stored by the advocate in the course of business;
- (3) Counseling that a victim received;
- (4) Crisis intervention services that a victim received; or
- (5) The location of the shelter that accommodated a victim.

(c) This section does not limit the ability of a court to compel disclosure if, upon the motion of a party, the court determines after an in-camera review that:

- (1) The information sought is relevant and material evidence of the facts and circumstances involved in an alleged criminal act that is the subject of a criminal proceeding or a proceeding brought by the department of children's services under title 37;
- (2) The probative value of the information outweighs the harmful effect of disclosure, if any, on the victim, the victim-advocate relationship, and the treatment services; and
- (3) The information cannot be obtained by reasonable means from any other source.

(d) The victim may waive the privilege of the communication in subsection (b) only by express written consent. A victim's consent is not implied when the victim is a party to any judicial, legislative, or administrative proceeding. The privilege terminates upon the death of the victim.

(e) If the victim files a lawsuit against an advocate or a victim services provider, this section does not limit the ability of the advocate or victim services provider to raise a defense when the confidential communications are relevant to a claim or defense.

(f) This section does not apply to advocates with child advocacy centers and child protective investigator teams.

(g) This section does not limit access to records by the department of children's services when the department is investigating an allegation of child abuse or neglect.

(h) This section does not limit or expand the ability of law enforcement to make arrangements with a shelter in order to serve any legal papers or process regarding a person staying at a shelter, pursuant to § 71-6-208.

SECTION 2. This act takes effect on July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

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Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 859**

**House Bill No. 982\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 24, Chapter 7, is amended by adding the following as a new section:

Notwithstanding another law to the contrary, a person's statement regarding the person's use or possession of marijuana to a pharmacist, physician, physician assistant, nurse, or nurse practitioner licensed under title 63 that was made in the course or scope of the person's medical care, as defined in § 56-7-2902(19)(A), for the purpose of obtaining medical advice on possible adverse effects of marijuana use in combination with other medications or medical treatment is not admissible as evidence in any criminal trial, hearing, or proceeding in which the person is a defendant; provided, that the person may expressly waive this prohibition and request the statement be admitted as evidence.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.



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Amendment No. \_\_\_\_\_

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Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 813\***

**House Bill No. 1431**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 8-7-226(a), is amended by deleting the section and substituting instead:

All assistant district attorneys general hired after July 1, 1994, or reclassified under § 8-7-201(e)(3), shall be compensated beginning July 1, 2023, according to the following pay schedule, which must be adjusted on July 1, 2023, and each succeeding July 1, to reflect the average percentage pay increase provided for state employees by the general appropriations act:

Entry level	\$63,853
after one (1) year	\$67,868
after two (2) years	\$71,857
after three (3) years	\$75,928
after four (4) years	\$79,943
after five (5) years	\$83,918
after six (6) years	\$87,934
after seven (7) years	\$91,977
after eight (8) years	\$96,034
after nine (9) years	\$100,009
after ten (10) years	\$104,038
after eleven (11) years	\$108,054
after twelve (12) years	\$112,001



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after thirteen (13) years	\$116,017
after fourteen (14) years	\$120,032
after fifteen (15) years	\$124,021
after sixteen (16) years	\$128,050
after seventeen (17) years	\$131,680
after eighteen (18) years	\$135,226
after nineteen (19) years	\$138,607
after twenty (20) years	\$141,823
after twenty-one (21) years	\$146,501
after twenty-two (22) years	\$151,331
after twenty-three (23) years	\$156,299
after twenty-four (24) years	\$161,833
after twenty-five (25) years	\$167,325

SECTION 2. Tennessee Code Annotated, Section 8-7-230, is amended by deleting the section and substituting instead:

All criminal investigators hired after July 1, 1994, shall be compensated according to the following pay schedule, as adjusted on July 1, 2023, and each succeeding July 1, to reflect the average percentage pay increase provided for state employees by the general appropriations act:

Entry level	\$43,180
after two (2) years	\$46,471
after four (4) years	\$48,944
after six (6) years	\$52,444
after eight (8) years	\$55,982
after ten (10) years	\$59,276
after twelve (12) years	\$62,963
after fourteen (14) years	\$66,196

after sixteen (16) years	\$69,822
after eighteen (18) years	\$73,226
after twenty (20) years	\$76,735

SECTION 3. Tennessee Code Annotated, Section 8-14-107(b)(1), is amended by deleting the subdivision and substituting instead:

A full-time assistant district public defender shall be compensated beginning July 1, 2023, according to the following pay schedule, which must be adjusted on July 1, 2023, and each succeeding July 1, to reflect the average percentage pay increase provided for state employees by the general appropriations act:

Entry level	\$63,853
after one (1) year	\$67,868
after two (2) years	\$71,857
after three (3) years	\$75,928
after four (4) years	\$79,943
after five (5) years	\$83,918
after six (6) years	\$87,934
after seven (7) years	\$91,977
after eight (8) years	\$96,034
after nine (9) years	\$100,009
after ten (10) years	\$104,038
after eleven (11) years	\$108,054
after twelve (12) years	\$112,001
after thirteen (13) years	\$116,017
after fourteen (14) years	\$120,032
after fifteen (15) years	\$124,021
after sixteen (16) years	\$128,050

after seventeen (17) years	\$131,680
after eighteen (18) years	\$135,226
after nineteen (19) years	\$138,607
after twenty (20) years	\$141,823
after twenty-one (21) years	\$146,501
after twenty-two (22) years	\$151,331
after twenty-three (23) years	\$156,299
after twenty-four (24) years	\$161,833
after twenty-five (25) years	\$167,325

SECTION 4. Tennessee Code Annotated, Section 8-14-107(c)(1), is amended by deleting the subdivision and substituting instead:

Effective July 1, 2023, all full-time district investigators shall be compensated according to the following pay schedule, which must be adjusted on July 1, 2023, and each succeeding July 1, to reflect the average percentage pay increase provided for state employees by the general appropriations act:

Entry level	\$43,180
after two (2) years	\$46,471
after four (4) years	\$48,944
after six (6) years	\$52,444
after eight (8) years	\$55,982
after ten (10) years	\$59,276
after twelve (12) years	\$62,963
after fourteen (14) years	\$66,196
after sixteen (16) years	\$69,822
after eighteen (18) years	\$73,226
after twenty (20) years	\$76,735

SECTION 5. This act takes effect June 30, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

<b>FILED</b>
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

**AMEND Senate Bill No. 1068**

**House Bill No. 1000\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 40-32-101, is amended by adding the following as a new subsection:

(l)

(1) Notwithstanding subsections (g) and (k), effective July 1, 2023, for purposes of this subsection (l), an "eligible petitioner" means a person who was convicted of a violation of § 2-19-107 – illegal registration or voting, if:

(A) At the time of the filing of the petition for expunction, at least fifteen (15) years have elapsed since the completion of the sentence imposed for the offense the person is seeking to have expunged;

(B) The person has fulfilled all requirements of the sentence imposed by the court for the offense the petitioner is seeking to expunge, including:

(i) Payment of all fines, restitution, court costs, and other assessments for the offense;

(ii) Completion of any term of imprisonment or probation for the offense; and

(iii) Meeting all conditions of supervised or unsupervised release for the offense;

(C) The person has not been convicted of a criminal offense that is ineligible for expunction, including federal offenses and offenses in



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other states, that occurred prior to the offense for which the person is seeking expunction; provided, that a moving or nonmoving traffic offense is not considered an offense as used in this subdivision (l)(1)(C); and

(D) The person has not previously been granted expunction under subsection (g) or subsection (k) for another criminal offense.

(2) A person may petition for expunction of an offense under this subsection (l) only one (1) time.

(3) Subdivisions (g)(3)-(6), (8), (12), and (13) apply to a petition filed under this subsection (l).

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.

Amendment No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

<b>FILED</b>
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

**AMEND Senate Bill No. 1501**

**House Bill No. 1016\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 39-13-114, is amended by deleting the section and substituting:

(a) For purposes of this section:

(1) "School" means:

(A) An elementary school, middle school, or high school;

(B) A college of applied technology or postsecondary vocational or technical school; or

(C) A two-year or four-year college or university; and

(2) "School property" means any school building or bus, school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by any local education agency, private school board of trustees, or directors for the administration of any school.

(b) A person commits the offense of communicating a threat concerning a school employee or student if:

(1) The person communicates to another a threat to cause the death of or serious bodily injury:

(A) To a school employee and the threat is directly related to the employee's scope of employment; or

(B) To a student on school property or at a school-related activity;

(2) The threat involves the use of a firearm or other deadly weapon;



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(3) The person to whom the threat is made reasonably believes that the person making the threat intends to carry out the threat; and

(4) The person making the threat intentionally engages in conduct that constitutes a substantial step in the commission of the threatened act and the threatened act and the substantial step when taken together:

(A) Are corroborative of the person's intent to commit the threatened act; and

(B) Occur close enough in time to evidence an intent and ability to commit the threatened act.

(c) Communicating a death threat concerning a school employee or student is a Class B misdemeanor punishable by a maximum term of imprisonment of thirty (30) days.

SECTION 2. This act takes effect July 1, 2023, the public welfare requiring it.



Amendment No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 14\***

**House Bill No. 24**

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 38-6-113, is amended by adding the following as a new subsection:

(e)

(1) Until January 1, 2025, the bureau must provide quarterly updates on the bureau's efforts to hire and train employees within the forensic services division and the average amount of time taken to perform forensic analysis on evidence in cases involving offenses under title 39, chapter 13, part 5, to the judiciary committee of the senate and the criminal justice committee of the house of representatives.

(2) By January 1, 2025, the bureau must submit a report to the judiciary and finance, ways and means committees of the senate and the criminal justice and finance, ways, and means committees of the house of representatives detailing any additional resources and personnel that would be required in order to perform forensic analysis on evidence in cases involving offenses under title 39, chapter 13, part 5, within sixty (60) days of the bureau's receipt of the evidence from a law enforcement agency.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.



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